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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/547,337	09/01/2005	Dominique Gelus	GELUS 5	3112
1444 7590 03/18/2008 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303				
EXAMINER				
RALJS, STEPHEN J				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/547,337

Applicant(s)

GELUS ET AL.

Examiner

Stephen J. Ralis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment/Arguments

Applicant's arguments/amendment filed on 19 December 2007 have been fully considered but they are not persuasive as for the following reasons:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Information Disclosure Statement

1. It is remind that the listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered (this reminder has been indicated in the previous Office action).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 8, 11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Cuzel et al. (International Publication No. WO 99/37850) or U.S. Patent

No. 6,151,815 (Note: Cuzel et al. (U.S. Patent No. 6,151,815) is utilized as US/English translation equivalency).

Cuzel et al. disclose a steam iron (Title) having a heating soleplate (plate 77; see Figure 15), a steam chamber (not shown; column 1, lines 7-12, 17-22, 41-45; column 5, lines 3-7, 14-18; column 7, lines 17-23), a part (lower half shell 11) having multiple functions constituting at the same time a heat shield (thermal screen) and a skirt of the iron (column 1, lines 46-49; column 2, lines 3-6; see Figures 7, 8), characterized in that the part (lower half shell 11) having multiple functions constitutes at least in part the steam chamber (not shown; column 1, lines 7-12, 17-22, 41-45; column 5, lines 3-7, 14-18; column 7, lines 17-23) above the soleplate (plate 77; see Figure 15).

With respect to the limitation of a part (8) having multiple functions constituting at the same time a heat shield and a skirt (85) of the iron, characterized in that the part (8) having multiple functions constitutes at least in part the steam chamber (3) above the soleplate (2), Cuzel et al. disclose a steam chamber (not shown; column 1, lines 7-12, 17-22, 41-45; column 5, lines 3-7, 14-18; column 7, lines 17-23). In addition, Cuzel et al. disclose a part (lower half shelf 11) that performs multiple functions including a heat shield (thermal screen) and a skirt of the iron skirt of the iron (column 1, lines 46-49; column 2, lines 3-6; see Figures 7, 8). Furthermore, Cuzel et al. disclose the part (lower half shelf 11) constituting part of the chambers (29). While Cuzel et al. do not specifically show the steam chamber, Cuzel et al. do disclose preferably vents (62, 63) do not open into a wall provided to form a part of a cavity intended to contain water or *steam*, such as chamber (29) (column 7, lines 65-67). Clearly, Cuzel et al. disclose the

part (lower half shelf 11) constituting part of the chamber (29) and the chamber (29) containing water or *steam*. Therefore, since Cuzel et al. disclose the part (lower half shelf 11) performing multiple functions, as noted above, and the part (lower half shelf 11) being part of the chambers (29) that holds water or steam, Cuzel et al. fully meets "a part (8) having multiple functions constituting at the same time a heat shield and a skirt (85) of the iron, characterized in that the part (8) having multiple functions constitutes at least in part the steam chamber (3) above the soleplate (2)" given its broadest reasonable interpretation.

With respect to the limitations of claim 2, Cuzel et al. disclose the steam iron (Title) having a water reservoir (reservoir/chamber 29; column 5, lines 14-18; column 7, lines 17-23; see Figures 4, 7, 8) with the a part (lower half shell 11) constituting a bottom of the water reservoir (reservoir/chamber 29; column 5, lines 14-18; column 7, lines 17-23; see Figures 4, 7, 8).

With respect to the limitations of claims 3 and 4, Cuzel et al. disclose the part (lower half shell 11) being made of a resin or polyester (column 1, lines 53-55, column 6, lines 5-7).

With respect to the limitations of claims 5, 8, 11 and 14, Cuzel et al. disclose the skirt of the iron forming walls (annular conformations 23, 33) of the steam chamber (reservoir/chamber 29; column 5, lines 14-18; column 7, lines 17-23; see Figures 4, 7, 8) and the chamber (29) holding water or steam (column 7, lines 65-67).

Cuzel et al. also discloses the use of elastomer seals between the upper and lower half shells (12, 11; EPDM; column 2, lines 49-50; column 5, line 66 – column 6, line 4) being used due to its characteristics of being able to withstand temperatures of the order of 100°C to 150°C while retaining elastic characteristics and a substantial compressibility.

As the reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claim Rejections - 35 USC § 103

Joint Inventors – Common Ownership Presumed

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 6, 7, 9, 10, 12, 13 and 15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Cuzel et al. (International Publication No. WO 99/37850) or U.S.

Patent No. 6,151,815 in view of Santiago et al. (U.S. Patent No. 4,190,762) (Note:

Cuzel et al. (U.S. Patent No. 6,151,815) is utilized as US/English translation

equivalency).

Cuzel et al. discloses all of the limitations of the claimed invention, as previously set forth, except for specifically calling for the multifunction part being in contact with the soleplate through elastomer seals.

However, the use of seals between a soleplate and multifunction part in a steam iron is well known in the art, as evidenced by Santiago et al. Santiago et al. teach heated steam iron (see Figure 1) comprising a soleplate (10), a molded plastic casing (18) and an intermediates plastic member (20) functioning as a skirt and part of the walls of the internal water tank (26) (column 3, lines 10-27). Santiago further teaches the need for both seals between the casing members (watertight clamping seal 22) and

suitable sealing means (24) between the soleplate (10) and intermediate member (20) to provide a spacing between the soleplate (10) and the intermediate member (20), isolating the soleplate from the water reservoir, thereby increasing the operational longevity of the device. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize, in the steam iron of Cuzel et al., the sealing means, as taught by Santiago, in order to provide a spacing between the soleplate and the intermediate member isolating the soleplate from the water reservoir, thereby increasing the operational longevity of the device.

With respect to the seal being an elastomer, Cuzel et al. specifically disclose the advantage of utilizing elastomer (EPDM) seals (column 2, lines 49-50; column 5, line 66 – column 6, line 4). Therefore since Cuzel et al. disclose the use of elastomer (EPDM) seals and Santiago et al. teach the use of seals between both the plastic casing (18)/intermediate plastic member (20) and the intermediate plastic member (20)/soleplate (10), Cuzel et al. in view of Santiago et al. fully meets “the multifunction part (8) is in contact with the soleplate (2) through elastomer foam seals (84)” given its broadest reasonable interpretation.

Remarks

8. In lieu of the amendments made to the specification and claims, the examiner's objections to the Specification and Claims set forth in the previous Office action have been withdrawn.
9. With respect to applicant's argument that Cuzel et al. do not provide any disclosure whatsoever regarding the structure of the steam chamber, or any component

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that forms a part of the steam chamber and, at the same time, a heat shield and a skirt, the examiner respectfully disagrees. Cuzel et al. disclose a steam chamber (not shown; column 1, lines 7-12, 17-22, 41-45; column 5, lines 3-7, 14-18; column 7, lines 17-23).

In addition, Cuzel et al. disclose a part (lower half shelf 11) that performs multiple functions including a heat shield (thermal screen) and a skirt of the iron skirt of the iron (column 1, lines 46-49; column 2, lines 3-6; see Figures 7, 8). Furthermore, Cuzel et al. disclose the part (lower half shelf 11) constituting part of the chambers (29). While Cuzel et al. do not specifically show the steam chamber, Cuzel et al. do disclose preferably vents (62, 63) do not open into a wall provided to form a part of *a cavity intended to contain water or steam, such as chamber (29)* (column 7, lines 65-67).

Clearly, Cuzel et al. disclose the part (lower half shelf 11) constituting part of the chamber (29) and the chamber (29) containing water or *steam*. Therefore, since Cuzel et al. disclose the part (lower half shelf 11) performing multiple functions, as noted above, and the part (lower half shelf 11) being part of the chambers (29) that holds water or steam, Cuzel et al. fully meets "a part (8) having multiple functions constituting at the same time a heat shield and a skirt (85) of the iron, characterized in that the part (8) having multiple functions constitutes at least in part the steam chamber (3) above the soleplate (2)" given its broadest reasonable interpretation.

10. Applicant is respectfully requested to provide a location within the disclosure to support any further amendments to the claims.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Ralis whose telephone number is 571-272-6227. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen J Ralis/
Examiner, Art Unit 3742

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SJR
March 07, 2008

/TU B HOANG/
Supervisory Patent Examiner, Art Unit 3742